



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Magnavox Advanced Products and Systems Company--
 Reconsideration
File: B-230601.2
Date: August 2, 1988

DIGEST

Request for reconsideration is denied where the protester merely disagrees with prior decision and reiterates arguments raised initially.

DECISION

Magnavox Advanced Products and Systems Company requests reconsideration of our decision in Magnavox Advanced Products and Systems Company, B-230601, June 20, 1988, 88-1 CPD ¶ 585, in which we dismissed as academic Magnavox's protest that the Navy was not justified in proposing three sole-source modifications of existing contracts.

We deny Magnavox's request.

Magnavox protested that it was capable of performing the work covered by the proposed modifications and, thus, sole-source awards were improper. We dismissed Magnavox's protest as academic when the Naval Ocean Systems Center (the agency responsible for contract administration) informed our Office that all three proposed modifications were canceled due to lack of funds.

In dismissing the protest, we rejected, as speculative, Magnavox's assertion that even though the Navy said it was canceling the work, it actually intended to circumvent the procurement system by having Rockwell International perform the canceled work under a continuation of its original contract. We noted that Rockwell was to perform within the scope of its original contract and stated there was no evidence in the record to support Magnavox's claim that Rockwell had already completed the original contract work and that any further effort would necessarily involve work that was to be covered by the canceled modification.

In its request for reconsideration, Magnavox does not dispute that cancellation of the sole-source modifications make its basic protest academic. However, Magnavox disputes our conclusion with regard to the scope of Rockwell's

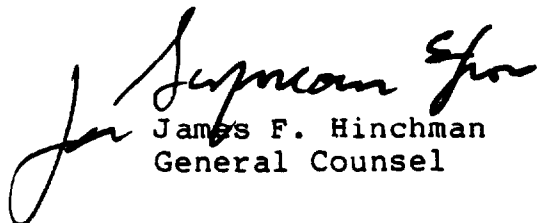
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continued work under its contract. As support, Magnavox relies upon a September 1987 Microwave Journal article by Rockwell engineers, detailing Rockwell's progress on its contract, which Magnavox claims establishes that Rockwell had already achieved the original contract requirements. In a later submission, Magnavox provided us with Rockwell's March 1988, amended estimate to complete the contract, with attachments, and a contract modification providing for additional funding. Magnavox recently obtained these documents pursuant to the Freedom of Information Act. Magnavox claims that these documents also support its contention that further work by Rockwell will be beyond the scope of its contract.

The article submitted by Magnavox comes to us more than 9 months after its publication and 4 months after filing of the protest. Our Regulations do not contemplate the piecemeal development of protest issues so we decline to consider this "new" information. See Little Susitna Company, 65 Comp. Gen. 651 (1986), 86-1 CPD ¶ 560. Moreover, our review of the amended estimate and attachments does not confirm Magnavox's contention that further work by Rockwell will be beyond the scope of its original contract. Similarly, it appears that the furnishing of additional funds merely is a matter of incremental funding of ongoing contract work.

Magnavox essentially reiterates its original protest arguments which we have already considered and rejected. Its mere disagreement with our judgment as to the weight of the evidence is no basis on which to disturb our prior decision.

Since the protester has presented no argument or information establishing that our prior decision is legally or factually erroneous, we deny the request for reconsideration. See Bid Protest Regulations, 4 C.F.R. § 21.12(a) (1988).


James F. Hinchman
General Counsel